

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

PAULA LEATHERS,

Plaintiff,

VS.

ABBOTT LABORATORIES and KNOLL
PHARMACEUTICAL COMPANY,

Defendants.

CASE NO. 5:05-CV-8000

OPINION & ORDER
[Resolving Doc. No. 1]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

With this Opinion and Order, the Court grants summary judgment to Defendants Abbott Laboratories and Knoll Pharmaceutical Company on the basis established by the Court in its July 7, 2004 Order in the master case, *In re Meridia Products Liability Litigation*, 328 F. Supp. 2d 791 (N.D. Ohio 2004), a decision affirmed by the Sixth Circuit Court of Appeals. *See Meridia Prod. Liab. Litig. v. Abbott Labs.*, 447 F.3d 861 (6th Cir. 2006).

On August 23, 2005, the Judicial Panel on Multidistrict Litigation (“MDL Panel”) transferred this case to this Court for consolidated pretrial proceedings. [Doc. 1.] Due to the timing of the MDL Panel’s transfer of her case, the Court did not terminate Plaintiff Paula Leathers’s (“Leathers”) instant action against Defendants.

On May 30, 2007, the Court ordered Plaintiff Leathers to set out any new evidence or argument, if any, as to why the Court should not dismiss her case pursuant to its July 7, 2004 Order.

[Doc. 3.] The Court granted Plaintiff Leathers until June 20, 2007 to file her brief. *Id.* Plaintiff

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Leathers has not filed any new evidence or argument with the Court. Defendant Abbott Laboratories filed a response in support of dismissing this case. [Doc. 4.] By declining to respond to the Court's May 30, 2007 Order, Plaintiff Leathers concedes that no basis exists to distinguish her case from those already considered and rejected by the Court.

Therefore, the Court **DISMISSES** Plaintiff's claim as against Defendants.

IT IS SO ORDERED.

Dated: August 3, 2007

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE